

1 BILL NO. S-81-11-70

2 SPECIAL ORDINANCE NO. _____

3 An Ordinance Amending Chapter 28
4 Of The Municipal Code Entitled
5 Taxicabs.

6 ARTICLE I. IN GENERAL

7 SEC. 28-1. DEFINITIONS

8 For the purposes of this chapter the following words and
9 phrases shall have the meanings respectively ascribed to them
10 by this section:

11 Permit. Permit shall mean a permit for the operation of
12 taxicabs in the City issued upon the approval and by the orders
13 of the Board of Public Works of the City.

14 Taxicab. A taxicab means a motor vehicle while being
15 used for the performance of a contract for the transportation
16 of passengers or groups of passengers for hire, to and from
17 points chosen or designated by the passengers or groups of
18 passengers, and running over any available route between such
19 points, but not at the time being operated over or along a
20 definite, advertised, announced or substantially fixed route,
21 from, to or between definite or substantially fixed terminals,
22 locations or districts or according to substantially fixed or
23 announced times or intervals of arrival or departure.

24 SEC. 28-2. COMPLIANCE WITH CHAPTER REQUIRED

25 It shall be unlawful for any person to operate or
26 or cause to be operated any taxicab in any public street, court,
27 highway or public place in the City without first applying for
28 and obtaining a permit therefor from the Board of Public Works,
29 without first filing with the Clerk of the Board of Public Works
30 a bond, undertaking or contract of liability insurance in some
31 responsible insurance company authorized to do business in the
32 State of Indiana, the form of which insurance contract has been approved

of Indiana
by the insurance department of the State, and containing the approval thereof, and without first paying the fees prescribed and obtaining license plates, all as is hereinafter more specifically provided in this chapter, nor shall any such taxicab be operated except at the fares prescribed by this chapter. No permit shall be granted except as provided in this chapter.

SEC. 28-3 CONTROLLER--TO KEEP LIST OF VEHICLES, ETC.

The City Controller shall at all times keep on file in his office a list of the motor vehicles operated by the holder of any permit as shown by the list filed at the time such permit was issued, and any change therein noted by such Controller, which list shall show the name of the maker, the serial number, and seating capacity of each motor vehicle, and the number assigned thereto on the plate issued for such motor vehicle.

SEC. 28-4. SAME--TO ASSIGN NUMBERS TO VEHICLES.

Whenever under the provisions of this article the holder of a permit or an applicant therefor shall be required to file a list of the motor vehicles desired to be operated as taxicabs in the City, the Controller shall obtain the plate number assigned to each motor vehicle from the Board of Public Works and place such number opposite the description of such motor vehicle in such list.

SEC. 28-5. FINANCIAL STATEMENTS TO BE FILED WITH CONTROLLER

All taxicab companies operating in the City shall annually, within ninety (90) days from the end of the licensee's fiscal year, file with the Controller of the City either,

- (a) a copy of a financial statement, properly certified to by a certified public accountant after an audit of the books and records of the licensee; or
- (b) a copy of the licensee's federal income tax return for such fiscal year.

In the event that the licensee elects to file a copy of its federal income tax return, then a copy of any amendment to

1 such tax return, or an amended return, shall be filed with the
2 Controller of the City at the same time that it is filed with
3 the federal government.

4 SEC. 28-6. VEHICLES--TO BE OWNED BY AND OPERATED IN NAME
5 OF PERMIT HOLDER.

6 No motor vehicle shall be operated as a taxicab in the City
7 by any person unless such motor vehicle is owned or leased by
8 the holder of the permit under which it is operated. No motor
9 vehicle shall be operated as a taxicab in the City under the
10 name, style or designation, or from the place of business of
11 any person other than the owner or lessee of such motor vehicle.

12 SEC. 28-7. SAME--IDENTIFICATION.

13 Every taxicab operated in the City shall have the word
14 "Taxi", the name of the holder of the permit under which such
15 taxicab is operated, and the serial body number assigned thereto
16 and license plate number issued by the Board of Public Works
17 in the list on file in the office of the Controller, painted
18 in letters and numbers at least six inches in height on each
19 side of such taxicab and on the rear thereof, and such letters
20 and numbers shall be painted a different color from the color
21 of the cab.

22 SEC. 28-8. DISPLAYING CHARGE OF FARE.

23 Every taxicab operated in this City shall have its charge
24 of fare in route painted in letters and numbers at least
25 three (3) inches in height on each side of the taxicab. The
26 words and numbers shall be painted a different^{color} from the color^{of} the
27 taxicab so that they are conspicuously displayed. In addition,
28 every taxi cab operated in the City shall have its charge of
29 fare posted inside the cab in a conspicuous space in letters
30 of legible size.

31 SEC. 28-9. SAME--STATE CHAUFFEUR'S LICENSE REQUIRED FOR
32 DRIVERS.

No taxicab shall be driven or operated in the City by any

of Indiana
1 person who has not been licensed as a chauffeur by the State/
2 in the manner provided by law.

3 SEC. 28-10. SOLICITING PASSENGERS, ETC.

4 It shall be unlawful for any person to solicit passengers
5 for a public taxicab upon the streets and public places in the
6 City.

7 SEC. 28-11. CARRYING MORE THAN ONE PERSON OR GROUP.

8 It shall be unlawful for taxicabs to carry more than
9 one passenger or more than one group of passengers; provided,
10 that a second passenger or groups of passengers may be picked
11 up or admitted to a taxicab with the consent of the first
12 passenger or group of passengers engaging such taxicab.

13 SEC. 28-12. BUS AND TAXICAB STANDS--ESTABLISHMENT.

14 The Board of Public Works, upon recommendation first of
15 the traffic engineering or the parking administration, shall
16 establish bus stops and taxicab stands on such public streets
17 in such places and in such number as they shall determine to
18 be of greatest benefit and convenience to the public, and every
19 bus stop and taxicab stand shall be designated by appropriate
20 signs.

21 SEC. 28-13. SAME--USE BY OTHER VEHICLES.

22 It shall be unlawful for the driver of any vehicle other
23 than a bus to stand or park in an officially designated bus
24 stop, or for any vehicle other than a taxicab to stand or park
25 in an officially designated taxicab stand; except, that the
26 driver of any passenger vehicle may temporarily stop in any
27 such stop or stand for the purpose of and while actually
28 engaged in the loading or unloading of passengers.

29 SEC. 28-14. SAME--TAXICABS TO PARK ONLY IN DESIGNATED
30 PLACES.

31 It shall be unlawful for the driver of any taxicab while
32 in service to stand or park such taxicab upon any street,

1 highway or public place in the City other than at a taxicab
2 stand; except, that this provision shall not prevent the driver
3 of any such taxicab from temporarily stopping in accordance with
4 other stopping or parking regulations at any place for the
5 purpose of and while actually engaged in loading or unloading
6 passengers.

7 SEC. 28-15. ADEQUATE SERVICE AND FACILITIES REQUIRED,
8 PROHIBITED ACTS.

9 (a) It shall be unlawful for any person authorized to
10 operate taxicabs in the City to refuse to respond to calls
11 by patrons, unless the patron is immediately notified that
12 taxicabs are not available to render the service required by
13 the patron or unless the driver of the taxicab reasonably
14 believes that his/her safety is endangered. In the event
15 a call is accepted to serve a patron and it is subsequently
16 determined that taxicabs are not available to serve the patron,
17 the person operating such taxicab shall immediately inform ^{or caused to be informed}
18 the patron to make other arrangements for transportation service.

19 (b) No person or company shall respond to the call of
20 a patron requesting the service of any other permit holder.

21 SEC. 28-16. APPEALS FROM ORDERS MADE BY BOARD OF PUBLIC
22 WORKS.

23 Any person adversely affected by any order made by the
24 Board of Public Works of the City under the provisions of this
25 chapter may, within twenty (20) days after such order is
26 entered, commence an action in the Circuit or the Superior
27 Courts of the County against the Board of Public Works to
28 vacate or set aside any such order on the ground that such order
29 is insufficient, unreasonable, unlawful or procured by fraud
30 or other unlawful methods. Summons shall issue upon the
31 complaint filed in such action and be served ^{on} the Board of
32 Public Works in the manner now provided by law in civil actions,

1 and the procedure in the trial of such cause shall be the
2 same as in the trial of civil actions. An appeal from the
3 judgment of the Circuit or Superior Courts in any such
4 cause may be taken to the appropriate appeals Court in the
5 manner now provided for appeals in civil actions.

6 ARTICLE II. PERMITS.

7 SEC. 28-17. APPLICATION--CONTENTS.

8 Any person, firm or corporation desiring to use, operate
9 or drive any motor vehicle as a taxicab in or upon any
10 public street, highway or public place within the corporate
11 limits of the City shall file an application for a permit
12 with the Clerk of the Board of Public Works of the City,
13 upon a form which such board shall provide without charge to
14 all applicants. Such application shall be verified under
15 oath and shall furnish the following information.

- 16 (a) The name of the applicant.
- 17 (b) The place of business of the applicant.
- 18 (c) The residence of the applicant, if in the City,
19 the length of time of such residence.
- 20 (d) The length of time the applicant has been
21 previously engaged in the business of transporting
22 passengers for hire and in what capacity.
- 23 (e) The number of taxicabs which the applicant
24 intends to use.
- 25 (f) Whether the applicant is capable of providing
26 or intends to provide full twenty-four (24)
27 hour taxicab service in each day of each week
28 in the operation of the business of transporting
29 passengers for hire.
- 30 (g) The financial status of the applicant including
31 the amounts of all unpaid judgments against the
32 applicant, and the nature of the transactions
or actions giving rise to such judgments.
- (h) Any and all facts and statistics indicating
that the public convenience and necessity will
be served by the granting of a permit.
- (i) Such other information as the Board of Public
Works may require.

1 SEC. 28-18. INSURANCE OR GUARANTY BOND REQUIRED.

2 (a) Prerequisite to permit. No permit to operate a
3 taxicab in the City shall be issued until after the
4 applicant therefor shall have filed with the Controller
5 of the City a contract of insurance or guaranty bond as
6 provided below in Section 28-21.

7 (b) Issuance. Such contract of insurance or guaranty
8 bond shall be issued by a reliable insurance company
9 admitted to do business in the State^{of Indiana} with not less than
10 five million dollars assets, and such contract of insurance
11 or guaranty bond shall be a Five Hundred^{Thousand}/Dollar (\$500,000.00)
12 liability policy for protection of bodily injury, and a
13 contract of insurance or guaranty bond of Fifty Thousand
14 Dollars (\$50,000.00) for property damage, such policies
15 to be the standard form of nondeductible.

16 (c) Provisions generally. Such contracts of
17 insurance or guaranty bond shall provide that they will
18 pay for any and all damages imposed by law upon such
19 applicant, or any other person operating any motor vehicle
20 as a taxicab under such permit, or by virtue of the
21 provisions thereof, provided such damages result from
22 bodily injury, including death, and damage to property
23 sustained by any person during the period covered by
24 such contract of insurance or guaranty bond, by reason of
25 the ownership, maintenance, operation or use under such
26 permit, or by virtue of the provisions thereof, of any
27 motor vehicle as a taxicab by any person whomsoever,
28 regardless of the ownership of such motor vehicle. Such
29 contract of insurance or guaranty bond shall contain the
30 further provisions that the obligations and promises
31 contained therein shall not be affected by any act or
32 omission of the named assured, its agents, employees,

1 bailees or licensees, or any other person operating any
2 motor vehicle as a taxicab under such permit, or by
3 virtue of the provisions thereof on account of a
4 default in the payment of the premium on such contract
5 of insurance or guaranty bond, or the giving of any notice
6 required by the provisions thereof or otherwise, or by the
7 insolvency of the assured named therein.

8 (d) Cancellation. It shall further be provided in
9 such contract of insurance or guaranty bond that no
10 cancellation thereof shall become effective for any reason
11 until five (5) days after the written notice by the insurer
12 of such cancellation shall have been filed with the
13 Controller of the City.

14 (e) Effective date. The contract of insurance
15 or guaranty bond required by the provisions of this section
16 shall provide that the same shall be in full force and effect
17 from and after the issuance of a permit to the applicant
18 and no permit shall be issued to any applicant therefor
19 unless the contract of insurance or guaranty bond hereinabove
20 required shall have been filed with the Controller of the City.

21 (f) Liability when operator under influence. No such
22 contract of insurance or guaranty bond shall contain any
23 provision that liability shall not exist for claims or
24 loss or damage, arising while such taxicab is being operated
25 from one place to another by any person under the influence
26 of liquor or drugs.

27 (g) Surety bond. If any of the insurance policies
28 or the guaranty bonds carry a deductible clause, a surety
29 bond in the total sum of all deductible amounts must be
30 furnished by the licensee, the same to be approved by the
31 City Attorney and secured by the licensee's depositing with
32 the City Controller, which said Controller shall safely keep;

1 or be secured by an undertaking of a duly qualified surety,
2 bonding or guaranty company authorized to transact business
3 as such in the state, and with not less than one million
4 dollars assets; provided, however, that any interest earned
5 by such cash surety deposit or government bonds shall be
6 paid to the licensee making such deposit and in the event
7 of the election of any licensee to make such surety
8 deposit of cash or United States securities as herein
9 provided, that principal amount thereof shall at all times be
10 maintained in the sum required; provided, further, that such
11 surety bond or bonds shall hold and bind the principal and
12 sureties to the same conditions as are required in the
13 policies of insurance or guaranty bond as provided for in
14 this section.

15 SEC. 28-19. PUBLIC HEARING; ISSUANCE; PERMIT AND
16 LICENSE FEES.

17 (a) Public Hearing. The Board of Public Works
18 shall fix a time and place for a public hearing on such
19 application. Not less than ten (10) days notice of such
20 hearing shall be given to the applicant and to all other
21 current permit holders. Due notice shall also be given
22 the general public by posting a notice of such hearing in
23 the main lobby of the City-County Building in Fort Wayne,
24 Indiana. Any interested person may file with the Board of
25 Public Works a memorandum in support of or in opposition
26 to the issuance of a permit.

27 (b) Determination by Board of Public Works. In
28 determining whether a permit shall be issued, the Board of
29 Public Works must find the following:

- 30 (1) That the applicant will provide taxicab
31 service to the public on a twenty-four
(24) hour basis for each day of the week.
- 32 (2) That the applicant will own and use a two-
way radio communication system in each
taxicab in the operation of such business.
- (3) That the public convenience and necessity
will be served by the licensing of taxicabs
in addition to those currently licensed for use.

1 (4) That the applicant will fulfill all the
2 other requirements of this chapter.

3 (c) Issuance. If the Board of Public Works shall
4 find from all the facts that the foregoing requirements are
5 met by the applicant, and that the public convenience
6 and necessity may be served by the authorization of an
7 additional permit, the Board shall issue a written authorization
8 for the applicant to proceed toward the issuance of a permit
9 to operate not more than the number of taxicabs applied for,
10 providing that the applicant satisfies certain conditions
11 within ninety (90) days established by the Board^{of Public Works}/which shall
12 include the following:

- 13 (1) The applicant shall file with the
14 Board of Public Works and with the
15 Controller of the City, a list of the motor
16 vehicles intended to be operated as
17 taxicabs which shall contain the make,
18 motor number, state license number and the
19 seating capacity of each vehicle.
- 20 (2) The applicant shall file with the Board
21 of Public Works and with the Controller of
22 the City the bond or contract of insurance
23 or guaranty bond provided for in Section
24 28-18 above.
- 25 (3) The applicant shall file with the Board
26 of Public Works the amount of radio communication
27 equipment which the applicant owns and a
28 copy of the license held by the applicant
29 authorizing the transmission of voice
30 communication by two-way radio.

31 If the information provided by the applicant to the Board of
32 Public Works is substantially the same as that listed in
the original application as provided for under Sec. 28-17,
above, the Board of Public Works shall issue a permit
authorizing the applicant to operate the number of taxicabs
applied for.

33 (d) Fees. Such applicant then shall pay to the Clerk
34 of the Board of Public Works a fee of One Hundred Dollars
35 (\$100.00) for such permit and a license fee of Twenty-five
36 Dollars (\$25.00) for each motor vehicle licensed. The Clerk
37 of the Board of Works shall deliver all such fees collected
38 to the Controller of the City.

1 (e) Designation and increase in number of taxicabs.

2 The permit issued by the Board of Public Works shall
3 designate the number of motor vehicles which the applicant
4 shall be permitted to operate as taxicabs. In the event
5 the applicant shall desire to operate additional taxicabs
6 in the City, an application as provided above shall be
7 filed and the procedure provided in this chapter shall be
8 followed as in the application for original permits.

9 SEC. 28-20. TERM

10 All permits shall expire one (1) year from the date
11 of issuance.

12 SEC. 28-21. RENEWAL.

13 Renewal permits shall be applied for and issued in
14 the same manner and upon the same basis as original permits
15 and for each renewal permit a fee of One Hundred Dollars
16 (\$100.00) shall be charged and paid to the Clerk of the Board
17 of Public Works and for each renewal license a fee of Twenty-
18 five Dollars (\$25.00) for each motor vehicle listed in the
19 application shall be charged and paid to the Clerk of the
20 Board of Public Works of the City; provided, that such
21 renewal permits shall be issued by the Board of Public
22 Works without the hearing provided in Section 28-18;
23 provided, that in the event such board shall find from
24 all the information available to it, upon the filing of an
25 application for such renewal permit, that the applicant
26 fails to comply with the requirements of Section 28-18, such
27 Board shall conduct a public hearing thereon in accordance
28 with the provisions of Section 28-18, and shall issue no
29 renewal permit unless it finds from the facts then
30 presented that the applicant fulfills the requirements of
31 Section 28-18. All fees collected under this section shall
32 be transferred to the Controller of the City by the Clerk
 of the Board of Public Works.

1 SEC. 28-22. NUMBER PLATES

2 After the issuance of a permit, the Board of Public
3 Works shall deliver to the applicant a metal number plate
4 for each motor vehicle listed in the schedule filed with the
5 Board of Public Works, on which such plate shall be printed
6 or stamped the words "Cab NO....., 19...., Fort
7 Wayne, Indiana," which plate shall, at all times when such
8 motor vehicle is being operated or used upon any public
9 street, highway, or other public place in the City as
10 a taxicab, be conspicuously displayed on the rear thereof.
11 In the event the holder of any permit desires to transfer
12 any such plate from the motor vehicle for which it was
13 issued, and use the same on another motor vehicle, he shall
14 immediately notify the Board of Public Works and furnish
15 them with the name of the maker, the serial number and
16 the seating capacity of such motor vehicle to which such
17 plat is to be transferred.

18 SEC. 28-23. TRANSFER; SURRENDER OF PERMITS AND PLATES
19 UPON DEATH, ETC.

20 No permit issued under the provisions of this article
21 shall be transferable. In the event of the death of the
22 holder of any permit, or in case of a corporation, of the
23 dissolution thereof, such permit shall be null and void,
24 and shall be immediately surrendered to the Board of Public
25 Works of the City, whereupon the plates issued to the
26 holder of such permit certificate shall be immediately
27 surrendered to the Board of Public Works.

28 SEC. 28-24. RECORDS TO BE KEPT BY BOARD OF PUBLIC
29 WORKS; REVOCATION.

30 The Board of Public Works shall keep on file in its
31 office, open to the inspection of the public, an indexed
32 record of all orders made and entered under and pursuant to

1 the provisions of this chapter concerning the violation of any
2 of the provisions of this chapter or any ordinance of the
3 City regulating the operation and use of taxicabs in the
4 City and any regulation issued by the Board of Public
5 Works pursuant to the authority conferred upon such
6 board by virtue of the provisions of this chapter, or for
7 any other sufficient cause. The Board of Public Works
8 of the City may, upon the application therefor filed by any
9 person, or upon the motion of such board or any member
10 thereof, revoke any permit issued under the provisions
11 of this chapter. Upon the filing of any such application
12 or motion, the Clerk of the Board of Public Works of the
13 City shall cause the same to be docketed for hearing before
14 the Board of Public Works and shall serve a copy of such
15 application or motion on the holder of such permit together
16 with a notice of the date set for hearing thereon, at least
17 five (5) days prior to the date of the hearing.

18 SEC. 28-25. HOLDERS TO KEEP LIST OF DRIVERS

19 Every holder of a permit to operate taxicabs issued
20 as provided in this article shall maintain on file in its
21 own offices the name, photograph, fingerprints, current
22 address and telephone number and the chauffeur's license
23 number of each of its drivers and the name and addresses
24 of the next of kin of such driver who should be notified
25 in case of emergency. Such driver records and information
26 shall be open for inspection to the Police Department of
27 the City at all times and must be kept current.

28 ARTICLE III. FARES AND TAXIMETERS

29 Sec. 28-26. "TAXIMETER" DEFINED.

30 The word "taximeter", as used in this article, shall
31 mean a mechanical devise which records and indicates a
32 charge of fare measured by the distance traveled, waiting

1 time, if any, and extra passengers, if any.

2 SEC. 28-27. GENERALLY.

3 (a) Installation; inspection; tampering with meter.

4 Every taxicab shall be equipped with a taximeter of a make,
5 construction and operation satisfactory to the Board of Public
6 Works, which shall have lighted, in plain view to passengers, a
7 dial or equivalent whereon shall be registered the fare
8 for each trip in accordance with the rates established
9 herein. All taximeters on taxicabs shall be inspected
10 for accuracy once each six (6) months by the inspector of
11 weights and measures of the City, or his deputy, and any
12 taximeter concerning which a complaint is made shall be
13 forthwith reinspected by the inspector of weights and measures
14 of the City or his deputy. If any meter is found to be
15 inaccurate, the taxicab to which it is attached shall
16 not be operated until such meter is properly approved
17 and adjusted on reinspection. When any inspection shows
18 that a taximeter accurately records the proper fare it shall
19 be sealed under the direction of the inspector of weights
20 and measures of the City, or his deputy, and a written
21 certificate of inspection issued to the owner of any such
22 taxicab. It shall be unlawful for any unauthorized person
23 to tamper with, break or mutilate any taximeter or the
24 seal there with the purpose of causing such taximeter to
25 register any fare incorrectly, or for any other purpose
26 whatsoever. It shall be unlawful for any person to operate
27 any taxicab without an operating taximeter in compliance
28 herewith.

29 (b) Charging of fares by taximeter rate. The following
30 fares may be charged for the carrying of passengers by the
31 taxicabs of the City:
32

- (1) From one (1) to and including four (4) passengers, for the first one-eighth($1/8$) mile or fraction thereof, the fare shall be eighty cents (\$0.80);
- (2) For each additional one-quarter ($1/4$) mile or fraction thereof, the fare shall be an additional twenty cents (\$0.20);
- (3) An additional charge of forty cents (\$0.40) shall be made for transporting over four (4) passengers;
- (4) For each one (1) minute of waiting time or fraction thereof, the fare shall be an additional ten cents (0.10) or Six Dollars (\$6.00) per hour.

(c) Hourly rates. Any person engaging a metered taxicab shall have the option at the time of engaging such taxicab of electing payment by the taximeter rate or by the hourly rate set out below. If the person engages a taxicab at the hourly rate the meter need not be used and the hourly rate shall not exceed the following schedule:

- (1) Three dollars (\$3.00) for the first hour, or fraction thereof.
- (2) Seventy-five cents (\$0.75) for each fifteen (15) minutes or fraction thereof, after the first hour.

(d) Flag or indicator. When a taxicab is in service, other than when hired at the foregoing hourly rate, a flag or indicator on the taximeter shall be lowered and the taximeter shall be set in operation at the time the passenger enters the taxicab and shall be stopped and such flag raised when the taxicab is halted to discharge such passenger.

(e) Waiting time. Waiting time shall include the time beginning three (3) minutes after arrival at the place to which the taxicab has been called and while it is not in motion, the time consumed by unavoidable delays in traffic or elsewhere, and the time consumed while standing at the direction of the passenger. The customer shall not be charged for any inefficiency of the driver of the taxicab or for a premature arrival at an appointed time.

1 (f) Two or more fares. Whenever two (2) or more
2 fares going to different destinations engage the same
3 taxicab, the first fare shall pay the amount indicated on
4 the taximeter at his destination and the taximeter shall be
5 cleared before leaving such destination point. The second
6 fare shall pay the amount indicated on the taximeter from
7 the first designation to his destination. Each additional
8 fare shall in turn pay only the amount shown on the taximeter
9 from the destination point to which he is traveling.

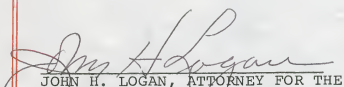
10 (g) Correct collection and payment. It shall be
11 unlawful for any operator or driver of any taxicab to
12 demand or collect a charge greater than that established
13 by this ordinance. It shall be unlawful for a passenger or
14 person, engaging a taxicab, to refuse to pay any fare
15 registered on a taxicab meter in accordance with the above
16 rates.

17 Sec. 28-28. Effective date.

18 This Ordinance shall be in full force and effect
19 from and after its passage, approval by the Mayor and legal
20 publication thereof.

21
22 
23 COUNCILMAN

24
25 APPROVED AS TO FORM AND LEGALITY
26 ON April 19, 1982.

27
28
29 
30 JOHN H. LOGAN, ATTORNEY FOR THE
31 COMMON COUNCIL OF THE CITY OF
32 FORT WAYNE, INDIANA.

1 BILL NO. S-81-11-70

2 SPECIAL ORDINANCE NO. _____

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4 AN ORDINANCE AMENDING CHAPTER 28
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6 ARTICLE I. IN GENERAL

7 SEC. 28-1. DEFINITIONS

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9 phrases shall have the meanings respectively ascribed to them
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12 taxicabs in the city issued upon the approval and by the orders
13 of the board of public works of the city.

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15 for the performance of a contract for the transportation of
16 passengers or groups of passengers for hire, to and from points
17 chosen or designated by the passengers or groups of passengers,
18 and running over any available route between such points, but not
19 at the time being operated over or along a definite, advertised,
20 announced or substantially fixed route, from, to or between
21 definite or substantially fixed terminals, locations or districts
22 or according to substantially fixed or announced times or inter-
23 vals of arrival or departure. (Code 1946, ch. 29, sec. 1.)

24 SEC. 28-2. COMPLIANCE WITH CHAPTER REQUIRED

25 It shall be unlawful for any person to operate or cause to be
26 operated any taxicab in any public street, court, highway or
27 public place in the city without first applying for and obtaining
28 a permit therefor from the board of public works, without first
29 filing with the clerk of the board of public works a bond, under-
30 taking or contract of liability insurance in some responsible in-
31 surance company authorized to do business in the state, the form
32 of which insurance contract has been approved by the insurance

1 department of the state, and containing the approval thereof, and
2 without first paying the fees prescribed and obtaining license
3 plates, all as is hereinafter more specifically provided in this
4 chapter, nor shall any such taxicab be operated except at the
5 fares prescribed by this chapter. No permit shall be granted
6 except as provided in this chapter. (Code 1946, ch. 29, sec. 2.)

7 SEC. 28-3. CONTROLLER--TO KEEP LIST OF VEHICLES, ETC.

8 The city controller shall at all times keep on file in his
9 office a list of the motor vehicles operated by the holder of any
10 permit as shown by the list filed at the time such permit was
11 issued, and any change therein noted by such controller, which
12 list shall show the name of the maker, the serial number, and
13 seating capacity of each motor vehicle, and the number assigned
14 thereto on the plate issued for such motor vehicle. (Code 1946,
15 ch. 29, sec. 12.)

16 SEC. 28-4. SAME--TO ASSIGN NUMBERS TO VEHICLES.

17 Whenever under the provisions of this article the holder of
18 a permit or an applicant therefor shall be required to file a
19 list of the motor vehicles desired to be operated as taxicabs
20 in the city, the controller shall assign a serial body number to
21 each motor vehicle described in such list as originally filed
22 or amended, and place such number opposite the description of
23 such motor vehicle in such list. (Code 1946, ch. 29, sec. 13.)

24 SEC. 28-5. FINANCIAL STATEMENTS TO BE FILED WITH CONTROLLER.

25 All taxicab companies operating in the city shall annually,
26 within ninety (90) days from the end of the licensee's fiscal
27 year, file with the controller of the city either,

- 28 (a) a copy of a financial statement properly certified
29 to by a certified public accountant after an audit
of the books and records of the licensee; ~~or~~
30 (b) a copy of the licensee's federal income tax return
for such fiscal year.

31 In the event that the licensee elects to file a copy of its
32 federal income tax return, then a copy of any amendment to such

1 tax return, or an amended return, shall be filed with the con-
2 troller of the city at the same time that it is filed with the
3 federal government.

4 SEC. 28-6. VEHICLES--TO BE OWNED BY AND OPERATED IN NAME
5 OF PERMIT HOLDER.

6 No motor vehicle shall be operated as a taxicab in the city
7 by any person unless such motor vehicle is owned or leased by the
8 holder of the permit under which it is operated. No motor vehicle
9 shall be operated as a taxicab in the city under the name, style
10 or designation, or from the place of business of any person other
11 than the owner or lessee of such motor vehicle. (Code 1946,
12 ch. 29, sec. 16.)

13 SEC. 28-7. SAME--IDENTIFICATION.

14 Every taxicab operated in the city shall have the word
15 "Taxi," the name of the holder of the permit under which such
16 taxicab is operated, and the serial body number assigned thereto
17 by the controller in the list on file in the office of the con-
18 troller, painted in letters and numbers at least six inches in
19 height on each side of such taxicab and on the rear thereof, and
20 such letters and numbers shall be painted a different color from
21 the color of the cab. (Code 1946, ch. 29, sec. 17.)

22 SEC. 28-8. DISPLAYING CHARGE OF FARE.

23 Every taxicab operated in this city shall have its charge
24 of fare painted in letters and numbers at least three (3) inches
25 in height on each side of the taxicab. The words and numbers
26 shall be painted a different color from the color of the taxicab
27 so that they are conspicuously displayed.

28 SEC. 28-9. SAME--STATE CHAUFFEUR'S LICENSE REQUIRED FOR
29 DRIVERS.

30 No taxicab shall be driven or operated in the city by any
31 person who has not been licensed as a chauffeur by the state
32 in the manner provided by law. (Code 1946, ch. 29, sec. 22.)

(For state law as to application for public passenger chauffeur's,
etc., license, see IC 1971, sec. 9-1-4-32.)

1 SEC. 28-10. SOLICITING PASSENGERS, ETC.

2 It shall be unlawful for any person to solicit passengers
3 for a public taxicab upon the streets and public places in the
4 city. The operator or driver of any taxicab or automobile kept
5 for hire shall remain on the driver's seat or inside of his
6 vehicle at all times when such vehicle is standing in an author-
7 ized taxicab stand or when actually engaged in carrying passen-
8 gers; provided, that nothing in this section shall be held to
9 prohibit such driver or operator from alighting to the street or
10 sidewalk for the purpose of assisting passengers into or out of
11 such vehicle. (Code 1946, ch. 29, sec. 23.)

12 SEC. 28-11. CARRYING MORE THAN ONE PERSON OR GROUP.

13 It shall be unlawful for taxicabs to carry more than one
14 passenger or more than one group of passengers; provided, that a
15 second passenger or groups of passengers ^{may} ~~shall not~~ be picked up
16 or admitted to a taxicab without the consent of the first passen-
17 ger or group of passengers engaging such taxicab. (Code 1946,
18 ch. 29, sec. 19.)

19 SEC. 28-12. RECORD OF TRIPS.

20 Every holder of a permit for the operation of taxicabs in the
21 city shall keep an accurate record of all trips made by all of
22 the taxicabs operated under such permit, which record shall be
23 made by the operator and driver of the taxicab and shall show the
24 points of origin and destination of all trips made and the number
25 of passengers carried and the time the trip began and the time
26 the trip was completed. Such records shall be open to inspection
27 by the board of public works or any of its duly authorized
28 representatives; provided, that it shall not be necessary to
29 preserve the record of any trip for more than sixty days after
30 the date such trip was made. (Code 1946, ch. 29, sec. 24.)

31 SEC. 28-13. BUS AND TAXICAB STANDS--ESTABLISHMENT.

32 The board of public works, upon recommendation first of the

1 chief of police or the traffic captain, shall establish bus stops and
2 taxicab stands on such public streets in such places and in such
3 number as they shall determine to be of greatest benefit and con-
4 venience to the public, and every bus stop and taxicab stand
5 shall be designated by appropriate signs. (Code 1946, ch. 29,
6 sec. 25.)

7 SEC. 28-14. SAME--USE BY OTHER VEHICLES.

8 It shall be unlawful for the driver of any vehicle other than
9 a bus to stand or park in an officially designated bus stop, or
10 for any vehicle other than a taxicab to stand or park in an
11 officially designated taxicab stand; except, that the driver of
12 any passenger vehicle may temporarily stop in any such stop or
13 stand for the purpose of and while actually engaged in the load-
14 ing or unloading of passengers. (Code 1946, ch. 29, sec. 26.)

15 SEC. 28-15. SAME--TAXICABS TO PARK ONLY IN DESIGNATED
16 PLACES.

17 It shall be unlawful for the driver of any taxicab to stand
18 or park such taxicab upon any street, court, highway or public
19 place in the city other than at a taxicab stand; except, that
20 this provision shall not prevent the driver of any such taxicab
21 from temporarily stopping in accordance with other stopping or
22 parking regulations at any place for the purpose of and while
23 actually engaged in loading or unloading passengers. (Code
24 1946, ch. 29, sec. 27.)

25 SEC. 28-16. CALL BOXES AND TELEPHONES.

26 It shall be unlawful for any person to install, use or
27 occupy any portion or part of any street or public place in the
28 city as a call box, or for telephone purposes, or to use any
29 telephone pole, light pole, or any other pole on any street or
30 public place or building or structure, for the purpose of attach-
31 ing thereto a telephone or call box for the purpose of telephonic
32 communication, or use any such telephone or call box for the

1 purpose of telephoning, unless a permit is granted by the board
2 of public works, and only upon the consent of the owners of real
3 estate within a radius of seventy-five feet from such call box
4 or telephone. Such permit may be revoked at any time by the giv-
5 ing of ten (10) days' notice by the board of public works. This
6 provision shall not apply to police call or fire alarm boxes;
7 provided, that to continue any such phone or call boxes now
8 installed, it shall not be necessary to obtain the consent of the
9 owners of real estate as herein provided, but such phones must
10 be removed within ten (10) days upon the giving of any notice by
11 the board of public works of the city.

12 SEC. 28-17. ADEQUATE SERVICE AND FACILITIES REQUIRED,
13 PROHIBITED ACTS.

14 (a) Any person authorized to operate taxicabs in the city
15 shall keep said taxicabs clean, properly ventilated and heated,
16 provided with comfortable seats, in good repair, and painted and
17 decorated so as to present an attractive appearance, both on the
18 outside and inside of such taxicab.

19 (b) Any person authorized to operate taxicabs in the city
20 shall furnish reasonably adequate service and facilities. It
21 shall be unlawful for any person authorized to operate taxicabs
22 in the city to refuse to respond to calls by patrons, unless the
23 patron is immediately notified that taxicabs are not available
24 to render the service required by the patron. In the event a
25 call is accepted to serve a patron and it is subsequently deter-
26 mined that taxicabs are not available to serve the patron, the
27 person operating such taxicab shall immediately inform the patron
28 to make other arrangements for transportation service. (Code 1946,
29 ch. 29, sec. 29.)

30 (c) No person or company shall respond to the call of a
31 patron requesting the service of any other permit holder.

32 SEC. 28-18. APPEALS FROM ORDERS MADE BY BOARD OF PUBLIC
WORKS.

1 Any person adversely affected by any order made by the board
2 of public works of the city under the provisions of this chapter
3 may, within twenty (20) days after such order is entered, commence
4 an action in the circuit or the superior courts of the county
5 against the board of public works to vacate or set aside any
6 such order on the ground that such order is insufficient, un-
7 reasonable, unlawful or procured by fraud or other unlawful
8 methods. Summons shall issue upon the complaint filed in such
9 action and be served the board of public works in the manner now
10 provided by law in civil actions, and the procedure in the trial
11 of such cause shall be the same as in the trial of civil actions.
12 An appeal from the judgment of the circuit or the superior courts
13 in any such cause may be taken to the supreme or appellate court
14 of the state in the manner now provided for appeals in civil
15 actions. (Code 1946, ch. 29, sec. 30.)

16 ARTICLE II. PERMITS.

17 SEC. 28-19. APPLICATION--CONTENTS.

18 Any person desiring to use, operate or drive any motor
19 vehicle as a taxicab in or upon any public street, highway or
20 public place within the corporate limits of the city shall file
21 an application for a permit with the clerk of the board of public
22 works of the city, upon a form which such board shall provide
23 without charge to all applicants. Such application shall be veri-
24 fied under oath and shall furnish the following information:

- 25 (a) The name of the applicant.
- 26 (b) The place of business of the applicant.
- 27 (c) The residence of the applicant, if in the city, the
28 length of time of such residence.
- 29 (d) The age of the applicant, if an individual.
- 30 (e) The length of time the applicant has been previously
31 engaged in the business of transporting passengers
32 for hire and in what capacity.
- (f) The number of taxicabs which the applicant will use,
operate or drive and a physical description of each
taxicab.

- (g) Whether the applicant is capable of providing or intends to provide full twenty-four (24) hour taxicab service in each day of each week in the operation of the business of transporting passengers for hire.
- (h) The type and amount of radio communication equipment which the applicant will use in the business of transporting passengers for hire.
- (i) The type and amount of telephone communication equipment which the applicant will use in the business of transporting passengers for hire.
- (j) The financial status of the applicant including the amounts of all unpaid judgments against the applicant, and the nature of the transactions or actions giving rise to such judgments.
- (k) Any criminal convictions sustained by the applicant, including traffic violations, within the five (5) years prior to the date of application.
- (l) Any and all facts and statistics indicating that the public convenience and necessity will be served by the granting of a permit.
- (m) Such other information as the board of public works may require. (Code 1946, ch. 29, sec. 3; Ord. 2717, sec. 1; Ord. S-32-64, sec. 1.)

SEC. 28-20. INSURANCE OR GUARANTY BOND REQUIRED.

(a) Prerequisite to permit. No permit to operate a taxicab in the city shall be issued until after the applicant therefor shall have filed with the controller of the city a contract of insurance or guaranty bond as provided below in Section 28-21.

(b) Issuance. Such contract of insurance or guaranty bond shall be issued by a reliable insurance company admitted to do business in the state, with not less than five million dollars assets, and such contract of insurance or guaranty bond shall be a five hundred thousand dollar public liability policy for protection of bodily injury, and a contract of insurance or guaranty bond of twenty-five thousand dollars for property damage, such policies to be the standard form of nondeductible.

(c) Provisions generally. Such contracts of insurance or guaranty bond shall provide that they will pay for any and all damages imposed by law upon such applicant, or any other person operating any motor vehicle as a taxicab under such permit, or by virtue of the provisions thereof, provided such damages result

1 from bodily injury, including death, and damage to property sus-
2 tained by any person during the period covered by such contract
3 of insurance or guaranty bond, by reason of the ownership, main-
4 tenance, operation or use under such permit, or by virtue of the
5 provisions thereof, of any motor vehicle as a taxicab by any
6 person whomsoever, regardless of the ownership of such motor
7 vehicle. Such contract of insurance or guaranty bond shall con-
8 tain the further provisions that the obligations and promises
9 contained therein shall not be affected by any act or omission of
10 the named assured, its agents, employees, bailees or licensees,
11 or any other person operating any motor vehicle as a taxicab under
12 such permit, or by virtue of the provisions thereof on account of
13 a default in the payment of the premium on such contract of
14 insurance or guaranty bond, or the giving of any notice required
15 by the provisions thereof or otherwise, or by the insolvency of
16 the assured named therein.

17 (d) Cancellation. It shall further be provided in such
18 contract of insurance or guaranty bond that no cancellation there-
19 of shall become effective for any reason until five (5) days
20 after the written notice of such cancellation shall have been
21 filed with the controller of the city.

22 (e) Effective date. The contract of insurance or guaranty
23 bond required by the provisions of this section shall provide
24 that the same shall be in full force and effect from and after the
25 issuance of a permit to the applicant and no permit shall be
26 issued to any applicant therefor unless the contract of insurance
27 or guaranty bond hereinabove required shall have been filed with
28 the controller of the city.

29 (f) Liability when operator under influence. No such con-
30 tract of insurance or guaranty bond shall contain any provision
31 that liability shall not exist for claims or loss or damage,
32 arising while such taxicab is being operated from one place to
another by any person under the influence of liquor.

1 (g) Surety bond. If any of the insurance policies or the
2 guaranty bonds carry a deductible clause, a surety bond in the
3 total sum of all deductible amounts must be furnished by the
4 licensee, the same to be approved by the city attorney and secured
5 by the licensee's depositing with the city controller, which the
6 controller shall safely keep; or be secured by an undertaking of
7 a duly qualified surety, bonding or guaranty company authorized
8 to transact business as such in the state, and with not less than
9 one million dollars assets; provided, however, that any interest
10 earned by such cash surety deposit or government bonds shall be
11 paid to the licensee making such deposit and in the event of the
12 election of any licensee to make such surety deposit of cash or
13 United States securities as herein provided, the principal amount
14 thereof shall at all times be maintained in the sum required;
15 provided, further, that such surety bond or bonds shall hold and
16 bind the principal and sureties to the same conditions as are
17 required in the policies of insurance or guaranty bond as pro-
18 vided for in this section. (Code 1946, ch. 29, sec. 9; Ord.
19 2399; Ord. G-25, sec. 1.)

20 SEC. 28-21. PUBLIC HEARING; ISSUANCE; PERMIT AND LICENSE
21 FEES.

22 (a) Public hearing. The board of public works shall fix
23 a time and place for a public hearing on such application. Not
24 less than ten (10) days notice of such hearing shall be given by
25 the applicant and to all persons to whom permits to operate taxi-
26 cabs in the city have been theretofore issued. Due notice shall
27 also be given the general public by posting a notice of such
28 hearing in the City Hall. Any interested person may file with
29 the board of public works a memorandum in support of or in
30 opposition to the issuance of a permit.

31 (b) Determination by board of public works. In determining
32 whether a permit shall be issued, the board of public works must
find the following:

- (1) That the applicant will own or lease, and operate a minimum of five taxicabs in such business, using vehicles physically adequate for such purpose.
- (2) That the applicant will provide taxicab service to the public on a twenty-four hour basis for each day of the week.
- (3) That the applicant will own and use a two-way radio communication system in each taxicab in the operation of such business.
- (4) That the applicant will use a telephone switchboard system in the operation of the business.
- (5) That the applicant has no criminal record deemed by the board to make him unfit to conduct the business of transporting passengers for hire.
- (6) That the public convenience and necessity will be served by the licensing of taxicabs in addition to those currently licensed for use.
- (7) That the applicant will fulfill all the other requirements of this chapter.

(c) Issuance. If the board of public works shall find from all the facts that the foregoing requirements are met by the applicant, and that the public convenience and necessity may be served by the authorization of an additional license, the board shall issue a written authorization for the applicant to proceed toward the issuance of a permit to operate not more than the number of taxicabs applied for, providing that the applicant satisfies certain conditions established by the board which shall include the following:

- (1) The applicant shall file with the board of public works and with the controller of the city, a list of the motor vehicles intended to be operated as taxicabs which shall contain the make, motor number, state license number and the seating capacity of each vehicle.
- (2) The applicant shall file with the board of public works and with the controller of the city the bond or contract of insurance or guaranty bond provided for in Section 28-20 above.
- (3) The applicant shall file with the board of public works the type and amount of radio communication equipment which the applicant owns and a copy of the license held by the applicant authorizing the transmission of voice communication by two-way radio.
- (4) The applicant shall file with the board of public

works, the type and amount of telephone communication equipment which the applicant owns and which it will use in the business of transporting passengers for hire.

If the information provided by the applicant to the board of public works is substantially the same as that listed in the original application as provided for under Sec. 28-19, above, the board of public works shall issue a permit authorizing the applicant to operate the number of taxicabs applied for.

(d) Fees. Such applicant then shall pay to the clerk of the board of public works a fee of one hundred dollars (\$100) for such permit and a license fee of twenty-five dollars (\$25) for each motor vehicle listed in the application. The clerk of the board of public works shall deliver all such fees collected to the controller of the city.

(e) Designation and increase in number of taxicabs. The permit issued by the board of public works shall designate the number of motor vehicles which the applicant shall be permitted to operate as taxicabs. In the event the applicant shall desire to operate additional taxicabs in the city, an application as provided above shall be filed and the procedure provided in this chapter shall be followed as in the application for original permits. (Code 1946, ch. 29, sec. 5; Ord. 2717, sec. 2; Ord. S-32-64, sec. 1.)

SEC. 28-22. TERM.

All permits shall expire one year from the date of issuance.

SEC. 28-23. RENEWAL.

Renewal permits shall be applied for and issued in the same manner and upon the same basis as original permits and for each renewal permit a fee of one hundred dollars (\$100) shall be charged and paid to the clerk of the board of public works and for each renewal license a fee of twenty-five dollars (\$25) for each motor vehicle listed in the application shall be charged and paid to the clerk of the board of public works of the city;

1 provided, that such renewal permits shall be issued by the board
2 of public works without the hearing provided in section 28-21;
3 provided, that in the event such board shall find from all the
4 information available to it, upon the filing of an application for
5 such renewal permit, that the applicant fails to comply with the
6 requirements of section 28-21, such board shall conduct a public
7 hearing thereon in accordance with the provisions of section
8 28-21, and shall issue no renewal permit unless it finds from the
9 facts then presented that the applicant fulfills the requirements
10 of section 28-21. (Code 1946, ch. 29, sec. 7; Ord. 2717, sec. 3)
11 All fees collected under this section shall be transferred to the
12 controller of the city by the clerk of the board of public works.

13 SEC. 28-24. NUMBER PLATES.

14 After the issuance of a permit, the board of public works
15 shall deliver to the applicant a metal number plate for each
16 motor vehicle listed in the schedule filed with the board of
17 public works, on which such plate shall be printed or stamped
18 the words "Car No....., 19....., Fort Wayne, Indiana,"
19 which plate shall, at all times when such motor vehicle is being
20 operated or used upon any public street, highway, or other public
21 place in the city as a taxicab, be conspicuously displayed on
22 the rear thereof. In the event the holder of any permit desires
23 to transfer any such plate from the motor vehicle for which it
24 was issued, and use the same on another motor vehicle, he shall
25 immediately notify the board of public works and furnish them
26 with the name of the maker, the serial number and the seating
27 capacity of such motor vehicle to which such plate is to be
28 transferred. (Code 1946, ch. 29, sec. 10.)

29 SEC. 28-25. TRANSFER; SURRENDER OF PERMITS AND PLATES
30 UPON DEATH, ETC.

31 No permit issued under the provisions of this article shall
32 be transferable. In the event of the death of the holder of any

1 permit, or in case of a corporation, of the dissolution thereof,
2 such permit shall be null and void, and shall be immediately
3 surrendered to the board of public works of the city, whereupon
4 the plates issued to the holder of such permit certificate shall
5 be immediately surrendered to the board of public works. (Code
6 1946, ch. 29, sec. 11.)

7 SEC. 28-26. RECORDS TO BE KEPT BY BOARD OF PUBLIC WORKS;
8 REVOCATION.

9 The board of public works shall keep on file in its office,
10 open to the inspection of the public, an indexed record of all
11 orders made and entered under and pursuant to the provisions of
12 this chapter. For the violation of any of the provisions of this
13 chapter or any ordinance of the city regulating the operation and
14 use of taxicabs in the city and any regulation issued by the board
15 of public works pursuant to the authority conferred upon such
16 board by virtue of the provisions of this chapter, or for any
17 other sufficient cause, the board of public works of the city may,
18 upon the application therefor filed by any person, or upon the
19 motion of such board or any member thereof, revoke any permit
20 issued under the provisions of this chapter. Upon the filing of
21 any such application or motion, the clerk of the board of public
22 works of the city shall cause the same to be docketed for hearing
23 before the board of public works and shall serve a copy of such
24 application or motion on the holder of such permit together with
25 a notice of the date set for hearing thereon, at least five (5)
26 days prior to the date of the hearing. (Code 1946, ch. 29, sec. 14)

27 SEC. 28-27. HOLDERS TO KEEP LIST OF DRIVERS; EMPLOYING
28 DRIVERS CONVICTED OF FELONY.

29 Every holder of a permit to operate taxicabs issued as
30 provided in this article shall maintain on file in his own of-
31 fices the name, photograph, fingerprints, current address and the
32 chauffeur's license number of each of his drivers and the name

1 and addresses of the next of kin of such driver who should be
2 notified in case of emergency. Such driver records and informa-
3 tion shall be open for inspection to the police department of the
4 city at all times and must be kept current. (Code 1946, ch. 29,
5 sec. 21; Ord. S-32-64, sec. 1.)

6 ARTICLE III. FARES AND TAXIMETERS

7 SEC. 28-28. "TAXIMETER" DEFINED.

8 The word "taximeter," as used in this article, shall mean a
9 mechanical device which records and indicates a charge of fare
10 measured by the distance travelled, waiting time, if any, and
11 extra passengers, if any. (Code 1946, ch. 29, sec. 18; Ord. 2716,
12 sec. 1; Ord. G-1, sec. 1; Ord. G-20, sec. 1; Ord. S-416-66,
13 sec. 1.)

14 SEC. 28-29. GENERALLY.

15 (a) Installation; inspection; tampering with meter.

16 Within six months after November 24, 1953 every taxicab shall be
17 equipped with a taximeter of a make, construction and operation
18 satisfactory to the board of public works, which shall have
19 lighted, in plain view to passengers, a dial whereon shall be
20 registered the fare for each trip in accordance with the rates
21 established herein. All taximeters on taxicabs shall be inspected
22 for accuracy once each six (6) months by the inspector of weights
23 and measures of the city, or his deputy, and any taximeter con-
24 cerning which a complaint is made shall be forthwith reinspected
25 by the inspector of weights and measures of the city, or his
26 deputy. If any meter is found to be inaccurate, the taxicab to
27 which it is attached shall not be operated until such meter is
28 properly approved and adjusted on reinspection. When any in-
29 spection shows that a taximeter accurately records the proper
30 fare it shall be sealed under the direction of the inspector of
31 weights and measures of the city, or his deputy, and a written
32 certificate of inspection issued to the owner of any such taxicab.

1 It shall be unlawful for any person to tamper with, break or
2 mutilate any taximeter or the seal thereof with the purpose of
3 causing such taximeter to register any fare incorrectly, or for
4 any other purpose whatsoever. It shall be unlawful for any per-
5 son to operate any taxicab without an operating taximeter in
6 compliance herewith.

7 (b) Charging of fares by taximeter rate. The following
8 fares shall be charged for the carrying of passengers by the
9 taxicabs of the city:

- 10 (1) From one (1) to and including four (4) passengers,
11 for the first one-eighth (1/8) mile or fraction
thereof, the fare shall be eighty cents (\$0.80);
- 12 (2) For each additional one-quarter (1/4) mile or fraction
13 thereof, the fare shall be an additional twenty cents
(\$0.20);
- 14 (3) An additional charge of forty cents (\$0.40) shall be
15 made for transporting over four (4) passengers;
- 16 (4) For each one (1) minute of waiting time or fraction
17 thereof, the fare shall be an additional ten cents
(\$0.10) or six dollars (\$6.00) per hour.

18 (c) Hourly rates. Any person engaging a metered taxicab
19 shall have the option at the time of engaging such taxicab of
20 electing payment by the taximeter rate or by the hourly rate set
21 out above. If a person engages a taxicab at the hourly rate the
22 meter need not be used and the hourly rate shall not exceed the
following schedule:

- 23 (1) Three dollars (\$3.00) for the first hour, or fraction
24 thereof.
- 25 (2) Seventy-five cents (\$0.75) for each fifteen (15)
26 minutes or fraction thereof, after the first hour.

27 (d) Flag or indicator. When a taxicab is in service, other
28 than when hired at the foregoing hourly rate, a flag or indicator
29 on the taximeter shall be lowered and the taximeter shall be set
30 in operation at the time the passenger enters the taxicab and
31 shall be stopped and such flag raised when the taxicab is
halted to discharge such passenger.

32 (e) Waiting time. Waiting time shall include the time be-
ginning three (3) minutes after arrival at the place to which the

1 taxicab has been called and while it is not in motion, the time
2 consumed by unavoidable delays in traffic or elsewhere, and
3 the time consumed while standing at the direction of the passen-
4 ger. The customer shall not be charged for any inefficiency of
5 the driver of the taxicab or for a premature arrival at an
6 appointed time.

7 (f) Two or more fares. Whenever two (2) or more fares
8 going to different destinations engage the same taxicab, the
9 first fare shall pay the amount indicated on the taximeter at
10 his destination and the taximeter shall be cleared before leav-
11 ing such destination point. The second fare shall pay the
12 amount indicated on the taximeter from the first destination to
13 his destination. Each additional fare shall in turn pay only the
14 amount shown on the taximeter from the destination point to which
15 he is traveling.

16 (g) Correct collection and payment. It shall be unlawful
17 for any operator or driver of any taxicab to demand or collect a
18 different charge for taxicab service than those hereinabove
19 established. It shall be unlawful for a passenger or person,
20 engaging a taxicab, to refuse to pay any fare registered on a
21 taxicab meter in accordance with the above rates. (Code 1946,
22 ch. 29, sec. 18; Ord. S-409-70, sec. 1; Ord. S-66-73, sec. 1;
23 Ord. S-168-74, sec. 1; Ord. No. S-260-77, sec. 1, 12-13-77; Ord.
24 No. S-31-79, sec. 1, 2-27-79)

25 SEC. 28-29.1. SURCHARGE.

26 (a) In addition to the fares established by taximeters
27 pursuant to section 28-29(b), there shall be assigned for each
28 trip made by a taxicab in carrying passengers for hire, a sur-
29 charge of twenty cents (\$0.20) per trip for any trip made by
30 taxicab transporting passengers for hire.

31 (b) In the event of a further price increase, there shall
32 be an additional surcharge of five cents (\$0.05) for every ten

1 cents (\$0.10) per gallon of gasoline price increase. In the
2 event of a gasoline price decrease, there shall be a decrease
3 of five cents (\$0.05) in taxicab fares for every ten cents
4 (\$0.10) per gallon of gasoline price decrease.

5 (c) Before any surcharge increase or decrease shall be
6 authorized for any taxicab company operating in the City of
7 Fort Wayne, Indiana, there shall be presented for study to the
8 controller of the City of Fort Wayne for his recommendation to
9 the common council of the City of Fort Wayne sufficient financial
10 data in such form and content required by the common council so
11 that proper study thereof may be made.

12 (d) No such additional surcharge or increase or decrease
13 shall be authorized except by approval by the common council of
14 the City of Fort Wayne, Indiana, by ordinance duly enacted and
15 approved by the mayor of the City of Fort Wayne, Indiana.

16 (Ord. No. S-12-80, secs. 1-4, 2-12-80)

17 (Editor's note--At the discretion of the editor, nonamenda-
18 tory ordinance S-12-80, secs. 1-4, enacted Feb. 12, 1980,
has been codified as sec. 28-30.1)

19 SEC. 28-30. POSTING SCHEDULE OF FARES.

20 Each taxicab shall have posted in a manner approved by the
21 chief of police and in a conspicuous place in letters of legible
22 size a schedule of the fares provided by section 28-29. (Code
23 1946, ch. 29, sec. 20)

24 SEC. 28-31. SHARED RIDE TAXI SERVICE; FARE TABLE.

25 (a) There is hereby created a shared ride taxicab service
26 on a delayed basis. To be eligible for such shared ride taxicab
27 service, any person or persons desiring same shall make a
28 reservation or reservations therefor at least ninety (90) minutes
29 in advance of such shared ride service by phoning in to the office
30 of the dispatcher of the taxicab company, the order for such
31 shared ride service.

32 (b) Charges for such shared ride taxicab service are com-
puted on a zone basis. A charge is made from the zone in which

1 the point of origin of the trip occurs by the most direct route
2 to the zone in which the point of destination of the trip is
3 located. A pickup charge is assigned to all zones. The trip
4 charge per passenger is the pick up charge, plus the zone travel
5 charge. Zone travel charges and pick up charges are approved by
6 the common council of the City of Fort Wayne, Indiana, and are
7 described by the geographical zone map as set forth in section
8 28-31(c) hereof. The total fare per person is computed on the
9 Matrix fare table and directions for use thereof are set forth in
10 section 28-31(d) hereof. Said geographical map and Matrix fare
11 table and directions for use thereof must also be posted in a
12 conspicuous place in each taxicab.

13 (c) Geographic map (see separate sheet marked "Exhibit A"
14 not set out herein but on file and available for public inspec-
15 tion in the office of the city clerk).

16 (d) Directions for using fare table (see separate sheet
17 marked "Exhibit B," not set out herein, but on file and available
18 for public inspection in the office of the city clerk).
19 (Ord. No. S-31-79, sec. 5, 2-27-79).

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COUNCILMAN

APPROVED AS TO FORM AND LEGALITY

ON _____, 1981

JOHN LOGAN, ATTORNEY FOR THE
COMMON COUNCIL

Read the first time in full and on motion by Vir J. Juntz, seconded by Salinas, and duly adopted, read the second time by title and referred to the Committee Regulatory (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 11-24-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____.

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____, at the hour of
_____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR. - MAYOR

Billings
18 May.

fold

[illegible]

BEN A. EISBART - CHAIRMAN	
JANET G. BRADBURY - VICE CHAIRMAN	
PAUL M. BURNS	
JOHN NUCKOLS SAM TALARICO	
ROY J. SCHOMBURG	

ROY J. SCHOMBURG

Handwritten: Had ~~been~~ ^{amended} ordinance is retyped
~~June 13~~

BILL NO. S-81-11-70

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE AMENDING CHAPTER 28 OF THE MUNICIPAL CODE ENTITLED
TAXICABS

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE PASS.

BEN A. EISBART - CHAIRMAN

JANET G. BRADBURY - VICE CHAIRMAN

PAUL M. BURNS

JOHN NUCKOLS

ROY J. SCHOMBURG

*This Ordinance
shall be brought
out only
in Committee
Sessions.* ~~and every~~ until Committee

BILL NO. S-81-11-70

Held until 1-11-82

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE AMENDING CHAPTER 28 OF THE MUNICIPAL CODE ENTITLED TAXICABS

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE PASS.

MARK E. GIAQUINTA, CHAIRMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

DONALD J. SCHMIDT

RED CARPET CAB COMPANY
THE TAXI COMPANY
2515 Broadway
Fort Wayne, Indiana 46807

City Council
Fort Wayne Board of Works
City County Building
1 Main Street
Fort Wayne, Indiana 46802

May 21, 1982

RE: TAXICAB ORDINANCE FOR THE CITY OF FORT WAYNE .
Bill No. S-81-11-70

Dear Sirs,

After attending the hearing on the proposed taxicab ordinance, I wanted to take a few moments to recap some of my suggestions.

Under Section 28-18 Insurance or Guaranty Bond Required, paragraph (b) I felt that it was not in the best interests of the general public to allow a taxi firm to engage insurance which involves Self Insured Risk type coverage for bodily injury coverage. I feel that a small deductible amount could be allowed on property damage, but certainly not as much as \$25,000. Self Insured Risk.

Under Section 28-19 Permit and License Fees, paragraph (d), I feel that the license fee for each vehicle should remain the same as in the past, at \$10.00 (Ten Dollars) per motor vehicle licensed.

Under Section 28-21 Renewal, the license fee would need to correspond with the fee established, which would mean a change to \$10.00 (Ten Dollars) so as to correspond with Section 28-19.

Under Section 28-27 Generally, regarding paragraph (b) charging of fares by taximeter rate, sub-paragraph (1) should be corrected to read:

From one (1) to and including four (4) passengers, for the first one tenth (1/10) mile or fraction thereof, the fare shall be One Dollar (\$1.00);

Sub-paragraph (2) should be corrected to read:

For each additional one-fifth (1/5) mile or fraction thereof, the fare shall be an additional twenty cents (\$.20);

Sub-paragraph (3) should be corrected to read:

An additional charge of Fifty-Cents (\$.50) shall be made for transporting over four (4) passengers;

City Taxicab Ordinance - continued

Sub-paragraph (4) should be corrected to read:

For each one (1) minute of waiting time or fraction thereof, the fare shall be an additional ten and 25 mils (\$.1025) or Seven Dollars and Fifty Cents (\$7.50) per hour.

Under paragraph (c) sub-paragraph (1) the corrections should read:

Seven Dollars and Fifty Cents (\$7.50) for the first hour, or fraction thereof.

Sub-paragraph (2) should be corrected to read:

One Dollar and Eighty Seven Cents and Five Mils (\$1.875) for each fifteen (15) minutes or fraction thereof, after the first hour.

Under paragraph (f) Two or more fares, I feel that the ordinance should read:

Whenever two (2) or more fares going to different destinations engage the same taxicab, the first shall pay the amount indicated on the taximeter at his destination, and the second fare shall pay the amount indicated on the taximeter upon arrival at his destination. Each additional fare shall in turn pay the amount shown on the taximeter upon arrival at the destination point to which he is traveling.

I have also enclosed the list of claimants that had insurance claims against Safety Cab at the time of the bankruptcy. If he had not had \$25,000 Self Insured Risk at the time, these people would not have been affected by the bankruptcy. I certainly feel that there might be firms which are able to handle the Self Insured Risk type of coverage, but I for one would not want to take the risk, as it is the same as having a \$25,000. deductible on each accident. I also want to bring to your attention his statement that he has not had any unsettled claims since 1980 during the meeting, directed to Mr. GiaQuinta. Common sense tells me that if there were this many claims involved in the bankruptcy, how can you tell how many there are presently outstanding unless the claimant contacted you directly?

I certainly hope that you will view my concern in the spirit with which it is intended, for the sake of public safety.

Respectfully Submitted,

James A. Walchle
President

St Wayne Safety Cab 81-10052

**Schedule A-3.—CREDITORS HAVING UNSECURED
CLAIMS WITHOUT PRIORITY**

Name of creditor (including last known holder of any negotiable instrument) and complete mailing address including zip code (if unknown, so state)	Specify when claim was incurred and the consideration therefor; when claim is contingent, unliquidated, disputed, subject to setoff, evidenced by a judgment, negotiable instrument, or other writing, or incurred as partner or joint contractor, so indicate; specify name of any partner or joint contractor on any debt	Amount of claim
		\$
Richard Burnett 2942 Lilly Fort Wayne, IN 46806	1978; Auto Accident Suit; Debtor liable; unliquidated.	6,000.00
Sandra Hardin 915 E. Wayne Fort Wayne, IN 46803	1979; Auto Accident Suit; Debtor liable; unliquidated.	4,000.00
Barbara Toomer 2220 Oxford Fort Wayne, IN 46806	1980; Auto Accident Suit; Debtor liable; unliquidated.	1,000.00
Rosilund Price 3026 Oliver Fort Wayne, IN 46806	1980; Auto Accident Suit; Debtor liable; unliquidated.	2,000.00
Prince Fields 807 Canal Street Fort Wayne, IN 46803	1980; Auto Accident Suit; Debtor liable; unliquidated.	150.00
Bobby Nord 1420 S. Hanna Fort Wayne, IN 46803	1980; Auto Accident Suit; Debtor liable; unliquidated.	500.00
Bonnie Parquette 7325 Kingsway Drive Fort Wayne, IN 46819	1980; Auto Accident Suit; Debtor liable; unliquidated.	1,013.51
American Family Insurance Group 3099 E. Washington Ave. Madison, WI 53783	1980; Auto Accident Suit; Debtor liable; unliquidated.	(1,013.51)
Total		138,217.88

Schedule A-3.—CREDITORS HAVING UNSECURED CLAIMS WITHOUT PRIORITY

Name of creditor (including last known holder of any negotiable instrument) and complete mailing address including zip code (if unknown so state)	Specify when claim was incurred and the consideration therefor; when claim is contingent, unliquidated, disputed, subject to setoff, evidenced by a judgment, negotiable instrument, or other writing, or incurred as partner or joint contractor, so indicate; specify name of any partner or joint contractor on any debt	Amount of claim
		\$
Sauer, Robert 5675 St. Joe Road Fort Wayne, IN 46815	1979; Audit; Debtor liable; unliquidated.	2,591.00
Shrex 323 E. Berry Street Fort Wayne, IN 46802	1980; Office Supplies; Debtor liable; unliquidated.	291.33
Strutz, Donald 1219 Anthony Wayne Bank Fort Wayne, IN 46802	1980; Legal Services; Debtor liable; unliquidated.	12,000.00
Taylor Blackburn P.O. Box 19001 Louisville, KY 40219	1980; Batteries; Debtor liable; unliquidated.	733.10
U.D.O. Argo Instrument Co. 980 Brooks Rd. Winchester VA 22601	1979; Meter Parts; Debtor liable; unliquidated.	368.30
Union Publishing Woodland Hills, CA 91365	1980; Advertising; Debtor liable; unliquidated.	2,034.30
W. R. Finkhouser, Inc. P.O. Box 10247 Sarasota, FL 33578	1980; W-2 Forms; Debtor liable; unliquidated.	148.03
Wagner Electric 3610 N. Clinton Fort Wayne, IN 46805	1980; Fan Motors; Debtor liable; unliquidated.	35.18
Loser & Loser 320 N. Meridian Indianapolis, IN 46204	1980; Legal Services; Debtor Liable; Unliquidated.	1,466.13
Indland Oils, Inc. 3204 L. Huntington Road Fort Wayne, IN 46809	1980; Purchase of Gasoline; Debtor liable; unliquidated.	2,298.00
Fort Wayne Nat'l Bank 110 West Berry Street Fort Wayne, IN. 46802	1980; Loan; Debtor liable; unliquidated.	6,246.48
Lincoln Nat'l Bank 116 E. Berry Street Fort Wayne, IN 46802	1976; Loan; Debtor liable; unliquidated.	23,238.00
Helen Smeitzer 1026 1/2 Stophlet Fort Wayne, IN 46804	1972; Auto Accident Suit; Debtor liable; unliquidated.	1,000.00
Jo Ann Jackson 1930 Reidmiller Fort Wayne, IN 46804	1978; Auto Accident Suit; Debtor liable; unliquidated.	1,500.00

Total CONTINUED



The City of Fort Wayne

April 6, 1982

Common Council
City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802


RE: Taxi Trip Logs

Dear Members:

After conferring with the head of our Investigative Division regarding the need or use for taxi trip logs, we submit the following comments:

1. Taxi trip logs have seldom been of value in the investigation of a crime. However, on one occasion the trip log was instrumental in solving the homicide of a taxi driver.
2. As we would like to have available all possible avenues of investigation, we would rate trip logs as desirable but not absolutely essential.
3. We would like to have available dispatchers' records of calls and dispatches.

Respectfully submitted,


DAVID J. RACINE
Assistant Chief of Police

DJR:cs

DEPUTY STATE INSPECTOR
OF
WEIGHTS AND MEASURES
FORT WAYNE INDIANA

Taximeter Inspection 1981

Safety Cab Company - February 27, 1981

33 taximeters APPROVED, 13 CONDEMNED (timers), 6 CONDEMNED (distance test).

Fort Wayne Limosine Service - [The Taxi Co.] - May 26, 1981

4 taximeters APPROVED.

Red Carpet Cab Company - May 20, 1981

10 taximeters APPROVED, 1 Condemned 7/7/81 (#11).

SEC. 5.54. TAXIMETERS

A. APPLICATION

A.1.- This code applies to taximeters; that is, to devices that automatically calculate at a predetermined rate or rates and indicate the charge for hire of a vehicle.

A.2.- This code does not apply to odometers on vehicles that are rented on a distance basis (for which see Sec. 5.53; Code for Odometers). [Amended 1977]

A.3.- See also Sec. 1.14; General Code requirements.

S. SPECIFICATIONS

S.1. DESIGN OF INDICATING ELEMENTS.

S.1.1. GENERAL.- A taximeter shall be equipped with a primary indicating element.

S.1.2. ADVANCEMENT OF INDICATING ELEMENTS.- Except when a taximeter is being cleared, the primary indicating elements shall be susceptible of advancement only by the rotation of the vehicle wheels or by the time mechanism.

S.1.3. VISIBILITY OF INDICATIONS.- Except when a taximeter is being cleared, indications of fare and extras shall be clearly visible at all times and at least 10 mm high for the fare and 4 mm high for all other indications. [Amended 1977]

S.1.4. ACTUATION OF FARE-INDICATING MECHANISM.- When a taximeter designed to calculate fares upon the basis of a combination of distance traveled and time elapsed is operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the distance mechanism whenever the vehicle is in motion at such a speed that the rate of distance revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion. Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism. [Amended 1977]

S.1.5. OPERATING CONDITION.

S.1.5.1. GENERAL.- Whenever the indicating elements of a taximeter are set to indicate a charge for the hire of the vehicle, the character of the fare indication shall be clearly shown on the taximeter face. When a taximeter is cleared, the indication "Not Registering," "Vacant," or an equivalent expression shall be shown.

S.1.5.2. SINGLE-TARIFF TAXIMETER.- Whenever a single-tariff taximeter is set so as to register charges, the indication "Registering," "Hired," or an equivalent expression shall be shown.

S.1.5.3. MULTIPLE-TARIFF TAXIMETER.- Whenever a multiple tariff taximeter is set so as to register charges, the basis for the particular tariff for which it is set shall be shown. The indication "Registering," "Hired," or an equivalent expression may be shown for the lowest tariff. For any tariff rate higher than the lowest, there shall be shown the type of tariff that actually is being charged ("3 or more persons," for example).

5.54. Taximeters

S.1.5.4. TIME NOT RECORDING.- While a taximeter is set for fare registration but with the time mechanism inoperative with respect thereto, the indication "Time Not Recording" or an equivalent expression shall appear. This indication may replace the indication specified for a single-tariff taximeter and for the lowest rate on a multiple-tariff taximeter, but shall be in addition to the indication specified for the higher rates on a multiple-tariff taximeter.

S.1.6. FARE IDENTIFICATION.- Fare indications shall be identified by the word "Fare" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.

S.1.7. EXTRAS.- If an extras mechanism is provided, extras shall be indicated as a separate item and shall not be included in the fare indication. They shall be identified by the word "Extras" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.

S.1.7.1. NONUSE OF EXTRAS.- If and when taximeter extras are prohibited by legal authority or are discontinued by a vehicle operator, with respect to all taximeters involved the extras mechanisms shall be rendered inoperative or the extras indications shall be effectively obscured by permanent means.

S.1.8. PROTECTION OF INDICATIONS.- Indications of fare and extras shall be displayed through and entirely protected by glass or other suitable transparent material securely attached to the housing of the taximeter.

S.2. BASIS OF FARE CALCULATIONS.- A taximeter shall calculate fares only upon the basis of

- (a) distance traveled,
 - (b) time elapsed, or
 - (c) a combination of distance traveled and time elapsed.
- [Amended 1977]

S.3. DESIGN OF OPERATING CONTROL.

S.3.1. MEANS OF CONTROL.- A control lever-arm, knob, handle, or other convenient and effective means shall be provided to set the taximeter mechanism for the desired operating condition and to "clear" the taximeter.

S.3.2. POSITIONS OF CONTROL.- The several positions of the control lever shall be mechanically defined, and displacement from any one of these positions shall be sufficiently obstructed that the accidental or inadvertent changing of the operating condition of the taximeter is improbable. Possible movement of this control to an operating position immediately following its movement to the cleared position shall automatically be delayed enough to permit the taximeter mechanism to come to complete rest in the cleared condition.

S.3.3. FLAG.- If the control for the operating condition is a lever-arm and flag, the flag shall be at its highest position when the taximeter is cleared, and in this position the whole of the flag shall be above the level of the taximeter housing.

5.54. Taximeters

S.3.4. CONTROL FOR EXTRAS MECHANISM.- The knob, handle or other means provided to actuate the extras mechanism shall be inoperable whenever the taximeter is cleared.

S.4. INTERFERENCE.- The construction of a taximeter shall be such that there will be no interference between the time and the distance portions of the mechanism at any speed of operation corresponding to a vehicle speed faster than the speed at which the basic rate of distance revenue equals the basic waiting-time rate. Specifically, the registration of a taximeter in the "hired" condition shall agree with its performance in the "time not recording" condition within 1 percent. [Amended 1977]

S.5. PROVISION FOR SECURITY SEALS.- Adequate provision shall be made for affixing lead-and-wire seals to a taximeter and to other parts required for service operation of a complete installation on a vehicle, so that no adjustments, alterations, or replacements affecting in any way the accuracy or indications of the device or the assembly can be made without mutilating the seal or seals. The sealing means shall be such that it is not necessary to disassemble or remove any part of the device or of the vehicle to apply or inspect the seals.

N. NOTES

N.1. DISTANCE TESTS.

N.1.1. TEST METHODS.- To determine compliance with distance tolerances, a distance test of a taximeter shall be conducted utilizing one or more of the following test methods:

- (a) ROAD TEST.- A road test consists of driving the vehicle over a precisely measured road course.
- (b) FIFTH-WHEEL TEST.- A fifth-wheel test consists of driving the vehicle over any reasonable road course and determining the distance actually traveled through the use of a mechanism known as a "fifth wheel" that is attached to the vehicle and that independently measures and indicates the distance.
- (c) SIMULATED-ROAD TEST. A simulated-road test consists of determining the distance traveled by use of a roller device, or by computation from rolling circumference and wheel-turn data.

[Amended 1977]

N.1.2. TEST PROCEDURES.- The distance test of a taximeter, whether a road test, a simulated-road test, or a fifth-wheel test, shall include at least duplicate runs of sufficient length to cover at least the third money drop or one mile, whichever is greater, and shall be at a speed approximating the average speed traveled by the vehicle in normal service. In the case of metric-calibrated taximeters, the test should cover at least the third money drop or two kilometers, whichever is greater. [Amended 1977]

N.1.3. TEST CONDITIONS.

N.1.3.1. VEHICLE LADING.- During the distance test of a taximeter, the vehicle shall carry two persons, or in the case of a simulated-road test, 150 pounds or 70 kilograms of test weights may be substituted in lieu of the second person.

5.54. Taximeters

N.1.3.2. TIRE PRESSURE.- At the completion of test run or runs, the tires of the vehicle under test shall be checked to determine that the tire pressure is that operating tire pressure posted in the vehicle. If not, the tire pressure should be adjusted to the posted tire pressure and further tests may be conducted to determine the operating characteristics of the odometer. [Amended 1977]

N.2. TIME TEST.- If a taximeter is equipped with a mechanism through which charges are made for time intervals, this mechanism shall be tested at least through the first 5 time intervals.

N.3. INTERFERENCE TEST.- If a taximeter is equipped with a mechanism through which charges are made for time intervals, a test shall be conducted to determine whether there is interference between the time and distance mechanisms. During the interference test, the vehicle is operated at a speed of 2 or 3 mi/h or, 3 or 4 km/h faster than the speed at which the basic distance rate equals the basic time rate.

T. TOLERANCES

T.1. TOLERANCE VALUES.

T.1.1. ON DISTANCE TESTS.- Maintenance and acceptance tolerances for taximeters shall be as follows:

- (a) On Overregistration: 1 percent of the interval under test. - 52 feet
- (b) On Underregistration: 4 percent of the interval under test, + 208 feet
with an added tolerance of 100 ft or 30 m whenever the initial interval is included in the interval under test.

T.1.2. ON TIME TESTS.

T.1.2.1. ON INDIVIDUAL TIME INTERVALS.- Maintenance and acceptance tolerances on individual time intervals shall be as follows:

- (a) ON OVERREGISTRATION: 3 seconds per minute (5 percent).
- (b) ON UNDERREGISTRATION: 9 seconds per minute (15 percent) on the initial interval, and 6 seconds per minute (10 percent) on subsequent intervals.

T.1.2.2. ON AVERAGE TIME INTERVAL COMPUTED AFTER EXCLUDING THE INITIAL INTERVAL.- Maintenance and acceptance tolerances on the average time interval excluding the initial interval shall be as follows:

- (a) ON OVERREGISTRATION: No tolerance.
- (b) ON UNDERREGISTRATION: 3 seconds per minute (5 percent).

UR. USER REQUIREMENTS

UR.1. INFLATION OF VEHICLE TIRES. - The operational tire pressure of passenger vehicles and truck tires shall be posted in the vehicle and shall be maintained at the posted pressure. [Amended 1977]

UR.2. POSITION AND ILLUMINATION OF TAXIMETER. - When mounted upon a vehicle, a taximeter shall be so located that its face can be seen by a passenger from the rear compartment of the vehicle. Adequate lighting facilities shall be provided for so illuminating the face of the taximeter that the indications thereof may be conveniently read by the passenger, and the face of the taximeter shall be so illuminated whenever the taximeter is in operation and artificial illumination is necessary for the convenient reading of its indications. [Amended 1973]

UR.3. STATEMENT OF RATES. - The distance and time rates for which a taximeter is adjusted, and the schedule of extras when an extras mechanism is provided, shall be conspicuously displayed inside the vehicle. The words, "Rate," "Rates," or "Rates of Fare" shall precede the rate statement. The rate statement shall be fully informative, self-explanatory, and readily understandable by the ordinary passenger, and shall either be of a permanent character or be protected by glass or other suitable transparent material. [Amended 1977]

UR.4. REINSPECTION. - Whenever a taximeter has been damaged, or repairs that might in any way affect the accuracy of its indications have been made, or any of the official security seals have been mutilated, such device shall not thereafter be used until it has been officially examined and reapproved.

DEFINITIONS OF TERMS

The terms defined here have a special and technical meaning when used in the Taximeter Code.

basic distance rate. The charge for distance for all intervals except the initial interval.

basic time rate. The charge for time for all intervals except the initial interval.

cleared. A taximeter is "cleared" when it is inoperative with respect to all fare indication, when no indication of fare or extras is shown and when all parts are in those positions in which they are designed to be when the vehicle on which the taximeter is installed is not engaged by a passenger.

cold tire pressure. The pressure in a tire when the tire is at ambient temperature.

extras. Charges to be paid by a passenger in addition to the fare, including any charge at a flat rate for the transportation of passengers in excess of a stated number and any charge for the transportation of baggage.

face. That side of a taximeter upon which passenger charges are indicated.

fare. That portion of the charge for the hire of a vehicle that is automatically calculated by a taximeter through the operation of the distance or time mechanism.

5.54. Taximeters

fifth-wheel test. A distance test similar to a road test except that the distance traveled by the vehicle under test is determined by a mechanism known as a "fifth-wheel" that is attached to the vehicle and that independently measures and indicates the distance.

flag. A plate at the end of the lever arm or similar part by which the operating condition of a taximeter is controlled.

hired. A taximeter is "hired" when it is operative with respect to all applicable indications of fare or extras. The indications of fare include time and distance where applicable unless qualified by another indication of "Time Not Recording" or an equivalent expression.

initial distance or time interval. The interval corresponding to the initial money drop.

money drop. An increment of fare indication. The "initial money drop" is the first increment of fare indication following activation of the taximeter.

multiple-tariff taximeter. One that may be set to calculate fares at any one of two or more rates.

operating tire pressure. The pressure in a tire when the vehicle has been driven for at least 5 miles or 8 kilometers.

road test. A distance test, over a measured course, of a complete taximeter assembly when installed on a vehicle, the mechanism being actuated as a result of vehicle travel.

rolling circumference. The rolling circumference is the straight line distance traveled per revolution of the wheel (or wheels) that actuates the taximeter. In the case where more than one wheel actuates the taximeter, the rolling circumference is the average distance traveled per revolution of the wheels.

simulated-road test. A distance test during which the taximeter may be actuated by some means other than road travel. The distance traveled is either measured by a properly calibrated roller device, or computed from rolling circumference and wheel-turn data.

single-tariff taximeter. One that calculates fares at a single rate only.

subsequent distance or time intervals. The intervals corresponding to money drops following the initial money drop.

taximeter. A device that automatically calculates, at a predetermined rate or rates, and indicates the charge for hire of a vehicle.

May 25, 1982

We the undersigned petitioners support continuance of ice cream truck service with restrictions to low traffic areas.

NAME	ADDRESS
1. Connie E. Pitua	110 Southridge Rd. Ft. Wayne
2. Otis Hallford	2115 Glenwood Ave. Fort Wayne
3. O. J. Baumgartner	5416 N. Brookwood Dr. Ft. Wayne Ind.
4. Andy G. Galt	1910 Glenwood Ave Ft. Wayne, Ind.
5. Mary W. W. (S.W.)	1918 Glenwood Ave Ft. Wayne, Ind.
6. Ray Park	1835 Glenwood Ft. Wayne Ind
7. Robert Simons	1834 Glenwood St. Wayne Ind
8. Anne Smith	3005 N. Anthony City
9. Larry S. Life	3011 N. Anthony City
10. Patricia R. Johnson	3021 N. Anthony City
11. Carl Wackenhorn	3021 N. Anthony City
12. Patay Hill	3418 Addison Ave. City
13. Dan Lee	1641 W. 4th Ft. Wayne.
14. Ann Wedder	2922 Crescent City
15. Jeff Rice	2906 Crescent Ft. Wayne
16. Brett Haler	2910 Crescent Ft. Wayne
17. Doug Gaffney	2907 Crescent Ft. Wayne.
18. Dorothy Boudle	1630 Kenwood Ave
19. Richard & Rogers	2827 N. Anthony Ft. Wayne
20. Marilyn Vandoren	1822 Kenwood Ft. Wayne
21. Jennifer Tent	1838 Kenwood Ft. Wayne
22. Florence Bonkowski	1925 Kenwood Ft. Wayne
23. Berto	4th & Liberty Sts. "
24. Mildred Sidener	2020 Kenwood "
25. Ed Bryant	2104 "

May 25, 1982

We the undersigned petitioners support continuance of ice cream truck service with restrictions to low traffic areas.

	NAME	ADDRESS
26..	Virginia Hermyer	2127 Kenwood
27.	Tuff Stone	2212 Glenwood
28.	Matt Schumann	9579 Winchester Rd.
29.	Gladys Beaplae	2310 Glenwood Ave
30.	Kathy Foster	2323 Glenwood Ave.
31.	Gene Atwood	2712 Paulding Rd.
32.	Philip Fike	2309 Glenwood
33.	Sheryl Hartnett	2309 Glenwood
34.	John D. Berry	3009 Santa Rosa Dr.
35.	Rae Mary Hall	3426 Vance Ave.
36.	Henry Gaine	217 W Wash Center Rd
37.	Arlin Ray	217 W. Wash. Ctr. Rd.
38.	Danayal Davies	2517 West Brook
39.	Almy Harris	1020 McKinnis
40.	Jimmy Tate	PO Box 114 Cherokee
41.	Roy Dawnes	4412 Overdale Dr
42.	Jim Meier	3318 Kirkfield Dr
43.	Julie Kacina	7211 Chartercrest Drive
44.	Chris Snyder	Box 406 Haxley, In 46743
45.	Jacques P. Chansavang	6520 ALVAREZ DR. 46815
46.	Tanya Brewer	RR3 Kendallville
47.	Jackie Lane	5726 Dartmouth
48.	Kerr L Reed	RR1 Modern In.
49.	Rebecca Dorrill	1676 B Reed Rd. City, 46815
50.	Satricia McKeown	1421 1/2 Sinclair St Cdy 46808
51.	Steven Johnson	832-1 Ridgewood Dr. City 46805

52. Guy A Bigler 4818 South Park Dr 46806
53. Stan Schmetzman 1826 Kentucky Av. In. 46805
54. Beth Misen 8823 Flutter RD 46811
55. Kris Reis 6025 Ranger Trail 46815
56. John Hancock 5104-10 Stonebridge 46815
57. Gary A Best 8275 W. Donald St 46802
58. Paul Voro 1811 Andis 46819
59. ~~Alfred~~ 10735 Billings Rd 46804
60. David Hol 004 05519 In. 46811
61. Michael Benson 2412-7 Abbey Dr. Ft. Wayne 46815
62. Rebekah P. Hatten 3311 Semdenhill Dr. F.W. 46815
63. Michael T. Powers 1806 Hobson Rd Ft. Wayne IN 46805
64. Florence Walker 1333 Bethany Lane 45815
65. Philip L. Allen 4419 Southwood
66. Martha Murrows 6014 Ranger Jr. Ft Wayne 46815
67. Nancy Guter 4941 Maple Ridge Dr. 46815
68. Kathy Marker 4319 Dawn Ave 46807
69. Anne Whitcomb 7101 Kettering Cr. 46816
70. Kasey Parker 9204 E. Hamilton Rd Ypsilanti, In. 46781
71. Judy Gibbons 4639 Reed Rd, FW 46815
72. Ronald T. Ang 4735 Vason DR F.W. 46815
73. Jon Dinsdale 3563 Aves Dr. FW. 46815
74. Nancy Kerntan 3505 Naguaga Hts. In. 46815
75. Melrick Salzer 2828 Vance Ave Ft Wayne, In. 46805
76. Shirley Smith 3001 S. Park Dr.
77. William J. Lane 4814 LAURA Lane
78. Oct + 2 Vid Sowell 3722 Logan Ave
79. Robert E. Lynch 6502 Golden Ln
80. Jane Lynch "
81. Michael S. Mowrey 3914 Webster St

5-25-82

We the undersigned petitioners support continuance of Ice Cream Truck Service with restrictions to low traffic areas.

	Name	Address
82.	Donna Daly	1317 Hartzell Rd.
83.	Kenneth S. Shier	9306 MARINERSRIDGE Dr.
84.	Mike Schaumbach	RR 7 Columbia City, IN
85.	Don Palermo	1811 Forest Park Blvd
86.	Jenny Weyer	5626 - 6 Old Dover
87.	Barbara Mitchell	4115 Springsboro Rd.
88.	Lynn Brown	2706 Curdes Av.
89.	Don Starr	6717 Ramblewood
90.	Jodi Lederman	R#1 Spencerville, IN
91.	Rda Augustyniak	1723 L. Huntington Rd
92.	Colleen McClung	5305 Brookfarm Pl. #1499
93.	Pauline Jamison	2016 Clearmarie 7th Stage
94.	Roger J. Murchant	5634-7 Old Dover Blvd.
95.	Chris DeWitt	Garrett Ind.
96.	Janene Heupel	Garrett IN
97.	Wes I Kuhn	795 S. Brookwood Dr.
98.	Jim Teal	4619 Beaver Av.
99.	Paul J. H.	3310 Shady Pl. 100 Dr.
100.	Nancy Nolan	Covington Club
101.	Cindy Gitter	517 Lanton Place Apt #2
102.	Daniel Peare	RR 8 Huntington Ind.
103.	Daniel A. Hill	4705 C NORTHCAST AVE FT. WAYNE.

104. Erin Harney 2407 S. Clinton St. Ft. Wayne

May 25, 1982

We the undersigned petitioners support continuance of ice cream truck service with restrictions to low traffic areas.

105. R M Patton 111 Southwood Dr
106. B N Patton 8227 Westridge Rd
107. M O Patton 8227 Westridge Rd
108. J. F. Fikes 8215 Westridge Rd
109. Dick Shields 8215 Westridge Rd
110. Joyce Taylor 1209 Sylvia Ave.
111. W J Taylor 1209 Sylvia Ave
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